

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

GUSTAVO ROMANELLO)
ACELA ROMANELLO,)
)
PLAINTIFFS,)
)
VS.)
)
BANKUNITED, INC., TRUSTEE)
SERVICES OF CAROLINA, LLC,)
BROCK & SCOTT, PLLC, RAGSDALE)
LIGGETT, PLLC, ASHLEY H.)
CAMPBELL,)
)
DEFENDANTS.)

NO. 5:12-CV-00371-FL

**MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO STAY PRETRIAL DEADLINES AND DISCOVERY**

Defendants Brock & Scott, PLLC (“B&S”) and Trustee Services of Carolina, LLC (“TSC”) (B&S and TSC collectively referred to as “Moving Defendants”), by and through counsel, moves the Court to stay certain pretrial deadlines and discovery pending a ruling on the Motion to Dismiss (“Motion to Dismiss”) filed on August 31, 2012.

On July 30, 2012, Plaintiffs, Gustavo Romanello and Acela Romanello, (“Plaintiffs”) filed a Complaint. On August 31, 2012, Moving Defendants filed a Motion to Dismiss.

Moving Defendants have moved to dismiss all of the claims set forth in the Complaint. Compliance with the discovery obligations set forth in the Federal Rules and Local Rules is premature at this juncture because the Court’s ruling on Moving Defendants’ pending Motion to Dismiss could dispose of this action in its entirety. The time and resources that the parties would expend in conducting discovery will have been spent unnecessarily if the Court were to find that Plaintiffs’ Complaint should be dismissed. Moreover, if the Court should decide that Plaintiffs

have stated a viable claim, Plaintiffs will not be prejudiced by a short delay in the start of the discovery period. The relief requested by this Motion to Stay is not extraordinary and has indeed been granted on numerous occasions by this court.

Therefore, the Moving Defendants request that the Court temporarily stay all pre-trial deadlines and discovery, as well as any other deadlines required under the Local Rules or the Federal Rules of Civil Procedure, pending the resolution of the Moving Defendants' Motion to Dismiss. A proposed order granting the relief sought herein is submitted herewith.

Respectfully submitted this 31st day of August, 2012.

BROCK & SCOTT, PLLC

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GUSTAVO ROMANELLO
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)
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I hereby certify that on August 31, 2012, a copy of the foregoing pleading, with any and all attachments, was filed electronically with the clerk of court via ECF and served via First-Class Mail, postage prepaid, addressed to:

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